1 DAYLE ELIESON United States Attorney 2 CHRISTOPHER BURTON Assistant United States Attorney 3 Nevada Bar No. 12940 501 Las Vegas Blvd. South, Suite 1100 4 Las Vegas, Nevada 89101 PHONE: (702) 388-6336 5 FAX: (702) 388-5087 Christopher.Burton4@usdoj.gov 6 UNITED STATES DISTRICT COURT 7 DISTRICT OF NEVADA **-00**o-8 UNITED STATES OF AMERICA, Case No. 2:13-cr-00368-JAD-VCF 9 Plaintiff, Stipulation to Continue Calendar Call 10 and Trial Dates 11 vs. William C. Thompson, 12 John David Yoder, and Eric Monsivais 13 Defendants. 14 IT IS HEREBY STIPULATED AND AGREED, by and between DAYLE 15 ELIESON, United States Attorney, and Ellie Roohani and Christopher Burton, 16 Assistant United States Attorneys, counsel for the United States of America, and HEIDI 17 OJEDA and BRENDA WEKSLER, representing Defendant WILLIAM C. THOMPSON, 18 and JOHN DOLAN, representing Defendant JOHN DAVID YODER, that the calendar 19 call currently scheduled for November 26, 2018, at 4:00 p.m., and the trial date currently 20 scheduled for December 4, 2018, at 9:00 a.m., in the above-captioned matter, be vacated 21 and continued to a date and time to be set by this Honorable Court but no sooner than 22 23

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sixty days.1

This stipulation is entered into for the following reasons:

- 1. The parties have entered into negotiations for a global resolution of federal cases involving Defendant Thompson in Nevada and Arizona. Government counsel needs additional time to secure necessary approvals from both districts to resolve the case short of trial.
- 2. Defendant Monsivais still has not made his initial appearance in this district due to California's non-compliance with Court-issued writs.
- 3. Counsel for the defendants need additional time to review discovery and prepare for trial should the case proceed to trial.
 - 4. The parties agree to the continuance.
- 5. The defendants are currently detained pending trial but do not object to a continuance.
- 6. Further, the additional time requested herein is not sought for purposes of delay, but to allow counsel sufficient time within which to be able to effectively and completely investigate the discovery materials provided.
- 7. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excusable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Cody, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i) and (iv).

¹ Counsel for JOHN DAVID YODER represents he is set to start a death penalty trial in January 2019 and February 4 and 25 appear to be dates where he would most likely be available for the continued calendar call.

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1	8. This is the <u>seventeenth</u> stipulation t	o continue filed herein.
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3	DATED this 26th day of November, 2018.	
4		Respectfully submitted, DAYLE ELIESON
5	//s//	United States Attorney //s//
6	HEIDI OJEDA BRENDA WEKSLER	ELHAM ROOHANI CHRISTOPHER BURTON
7	Counsel for Defendant William C. Thompson	Assistant United States Attorneys
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9	JOHN DOLAN Counsel for Defendant	
10	JOHN DAVID YODER	
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1 UNITED STATES DISTRICT COURT 2 DISTRICT OF NEVADA 3 -000-4 UNITED STATES OF AMERICA, 2:13-cr-00368-JAD-VCF 5 Plaintiff, 6 ORDER vs. 7 William C. Thompson, John David Yoder, and 8 Eric Monsivais 9 Defendants. 10 Based on the pending Stipulation of counsel, and good cause appearing therefore, 11 the Court finds that: 12 1. The parties have entered into negotiations for a global resolution of federal 13 cases involving Defendant Thompson in Nevada and Arizona. Government counsel needs 14 additional time to secure necessary approvals from both districts to resolve the case short 15 of trial. 16 2. Defendant Monsivais still has not made his initial appearance in this 17 district due to California's non-compliance with Court-issued writs. 18 3. Counsel for the defendants need additional time to review discovery and 19 prepare for trial should the case proceed to trial. 20 4. The parties agree to the continuance. 21 The defendants are currently detained pending trial but do not object to a 5. 22 continuance. 23

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- 6. Further, the additional time requested herein is not sought for purposes of delay, but to allow counsel sufficient time within which to be able to effectively and completely investigate the discovery materials provided.
- 7. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excusable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Cody, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i) and (iv).
 - 8. This is the <u>seventeenth</u> stipulation to continue filed herein.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the preliminary hearing date.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excusable under the Speedy Trial Act, Title 18, United States Code, Section 3161 (h)(7)(A), when considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i) and (iv).

ORDER

IT IS ORDERED that trial briefs, proposed voir dire questions, proposed jury

1	instructions, and a list of proposed exhibits must be electronically submitted to the Court	
2	by the, 2019.	
3	IT IS FURTHER ORDERED that the calendar call currently scheduled for	
4	November 26, 2018, at the hour of 4:00 p.m., be vacated and continued to	
5	, 2019, at the hour of am/pm; and the trial currently	
6	scheduled for December 4, 2018, at the hour of 9:00 a.m., be vacated and continued to	
7	, 2019, at the hour of am/pm.	
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10	DATED day of November, 2018.	
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12	THE HONORABLE JENNIFER A. DORSEY UNITED STATES DISTRICT JUDGE	
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